

ADMINISTRATIVE VARIANCE REPORT & DECISION

A. SUMMARY AND PURPOSE OF REQUEST

REPORT DATE: November 22, 2010

Project Name: Williams Side Yard Variance

Owner: Cecil Williams; 766 Field Ave NE; Renton, WA 98059

File Number: LUA10-072, V-A

Project Manager: Rocale Timmons, Associate Planner

Project Summary: The applicant is requesting an administrative setback variance for the construction of a 1,280 square foot addition to an existing single-family residence. The administrative variance from RMC 4-2-110A is needed in order to construct the addition 6-feet and 4-inches, at the closest point, from an existing access easement on site. The proposed structure would encroach into the required 15-foot side yard along-a-street setback. The subject site is located at 766 Field Ave NE within the Residential 8 (R-8) zoning designation.

Project Location: 766 Field Ave NE

Exist. Bldg. Area SF: 2,788 SF

Proposed New Bldg. Area:

1,280 SF

Site Area: 20,200 SF

Total Building Area GSF:

4,068 SF



Project Location Map

B. PROJECT DESCRIPTION/BACKGROUND:

The applicant is requesting approval of an administrative variance from RMC 4-2-110A the required side yard along a street setback for an attached garage. The project site is a 22,200 square foot lot in the Residential – 8 dwelling units per acre (R-8) zoning designation. A 2,788 square foot single-family residence currently is located on the subject property.

The addition, a proposed garage would be located approximately 5-feet from the existing structure. Detached structures located within 6 feet from the primary structure are considered attached for the purpose of applying development regulations.

The development standards of the R-8 zone require a side yard along-a-street setback of 15-feet for primary structures. The setback is measured from the property line or in this case from the edge of the access easement to the building footprint. The proposed garage would encroach into the side yard along-a-street setback between 7-feet and 7-inches to 6-feet and 4-inches at the closest point. The applicant is proposing the encroachment in order to preserve a mature maple tree located at the center of the rear yard. The proposed garage would be 1,280 square feet and would have an approximate height of 23-feet and 1-inch at the highest point of the pitched roof.

Access would continue to be provided via the access easement on site extended from Field Ave NE. There appear to be no critical areas on site.

C. EXHIBITS:

The following exhibits were entered into the record:

- Exhibit 1: Project file ("yellow file")
- Exhibit 2: Neighborhood Detail Map
- Exhibit 3: Site Plan
- Exhibit 4: Aerial Photo

D. FINDINGS:

Having reviewed the written record in the matter, the City now makes and enters the following:

- 1. Request:** The applicant has requested approval of an Administrative Variance from the required 15-foot side yard along-a-street setback for an attached garage (RMC 4-2-110A) for a single-family residence located at 766 Field Ave NE. The request varies from 6-feet and 4-inches to 7-feet and 7-inches (Exhibit 3).
- 2. Administrative Variance:** The applicant's Administrative Variance application complies with the requirements for a variance. The applicant's site plan and other project drawings are attached to this report.
- 3. Existing Land Use:** Land uses surrounding the subject site include: North: R-8 zone, developed as a religious institution; South: R-8 zone, developed as single-family residential; East: R-8

zone, developed as single-family residential, and; West: R-8, developed as single-family residential.

4. **Zoning:** The site is located in the Residential – 8 dwelling units per acre (R-8) zoning designation.
5. **Topography:** The topography of the site is relatively flat sloping from the northeast to the southwest; with an average slope of less than 2 percent.
6. **Lots and Building Size:** The proposed project is located on one single family lot. The proposed attached garage would be located approximately 6-feet and 4-inches from the access easement at the closest point. The proposed structure would have a 1,280 square foot footprint.

E. CONSISTENCY WITH VARIANCE CRITERIA:

Section 4-9-250B.5.a. Lists 4 criteria that the Administrator is asked to consider, along with all other relevant information, in making a decision on an Administrative Variance application. These include the following:

The Administrator shall have authority to grant an administrative variance upon making a determination, in writing, that the conditions specified below have been found to exist:

- a. **That the applicant suffers undue hardship and the variance is necessary because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings of the subject property, and the strict application of the Zoning Code is found to deprive subject property owner of rights and privileges enjoyed by other property owners in the vicinity and under identical zone classification:**

The applicant contends that special circumstances exist on the subject site, which imposes limitations on the lot. Specifically, the applicant indicates that the location of the existing mature maple tree prohibits any expansion of his residence without the removal of the tree. Additionally, the applicant contends the preservation of the tree benefits the community and environment beyond their own enjoyment.

Staff has reviewed the proposed variance request and concurs that a hardship exists on the subject property due to the location of the existing mature tree and its value to the community and environment if retained. Additionally, the appearance of a much larger side yard along a street is provided due to the large 30-foot access easement. The mature tree and wider access easement warrants the approval of the proposed projection into the 15-foot side yard along-a-street setback.

- b. **That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated:**

The applicant contends that the requested reduction in the required side yard along-a-street would not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity in that there is more than adequate space from the access easement due to its 30-foot width. Staff supports the proposed garage and has determined

that it would not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zone because the access easement is 10-feet wider than required by code.

- c. **That approval shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is situated:**

The approval of the variance request would not be a grant of special privilege as the variance would allow for an addition without the removal of a very mature tree which benefits the greater community. Other requests under similar circumstances would likely be supported.

- d. **That the approval as determined by the Zoning Administrator is a minimum variance that will accomplish the desired purpose:**

The applicant contends that the request is the minimum variance needed in order to construct the garage and preserve the mature tree on site. Staff has reviewed the request and concurs that the proposed variance is the minimum necessary to accomplish the desired purpose of constructing the garage and preserving the mature tree.

F. CONCLUSIONS:

1. The subject site is located at 766 Field Ave NE, within the R-8 zoning designation.
2. The R-8 zone requires that the side yard along-a-street setback for attached garages be a minimum of 15-feet. The applicant is proposing a side yard along-a-street setback for the proposed attached garage of approximately 6-feet and 4-inches at its closest point.
3. The analysis of the proposal according to variance criteria is found in the body of the Staff Report.
4. The proposed side yard along-a-street setback meets the four criteria to be considered in making a decision on a variance request as specified in RMC 4-9-250B.5.a provided that conditions of approval are complied with.

G. DECISION:

The Administrative Variance for the Williams Side Yard, File No. LUA10-072, V-A, is approved and is subject to the following conditions:

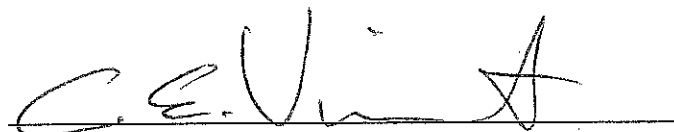
1. The applicant shall retain the mature maple tree located to the east of the existing structure. In order to preserve and protect the tree during building construction the tree shall be fenced off around the drip line. The fencing shall be in place prior to the issuance of any construction permit and shall remain until the final inspection of the new building is complete.

Report of Error! Reference source not found.

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DATE OF DECISION ON LAND USE ACTION:

SIGNATURE:


C.E. "Chip" Vincent, Planning Director

11/22/10
Date

TRANSMITTED this 22nd day of November, 2010 to the Owner/Applicant/Contact:

Cecil Williams
766 Field Ave NE
Renton, WA 98059

TRANSMITTED this 22nd day of November, 2010 to the Party(ies) of Record:

None

TRANSMITTED this 22nd day of November, 2010 to the following:

Neil Watts, Development Services Director
Larry Meckling, Building Official
Kayren Kittrick, Development Services
Fire Marshal
Jennifer Henning, Current Planning
Renton Reporter

Land Use Action Request for Reconsideration, Appeals & Expiration

The administrative land use decision will become final if the decision is not appealed within 14 days of the effective date of decision.

RECONSIDERATION: Within 14 days of the effective date of decision, any party may request that a decision may be reopened by the Administrator (Decision-maker). The Administrator (Decision-maker) may modify his decision if material evidence not readily discoverable prior to the original decision is found or if he finds there was misrepresentation of fact. After review of the reconsideration request, if the Administrator (Decision-maker) finds sufficient evidence to amend the original decision, there will be no further extension of the appeal period. Any person wishing to take further action must file a formal appeal within the 14-day appeal timeframe.

APPEAL: This administrative land use decision will become final if not appealed in writing to the Hearing Examiner on or before 5:00 PM on December 6, 2010. An appeal of the decision must be filed within the 14-day appeal period (RCW 43.21.C.075(3); WAC 197-11-680). Appeals to the Examiner are governed by City of Renton Municipal Code Section 4-8-110. Additional information regarding the appeal process may be obtained from the Renton City Clerk's office, Renton City Hall – 7th Floor, (425) 430-6510. Appeals must be filed in writing, together with the required fee to: Hearing Examiner, City of Renton, 1055 South Grady Way, Renton, WA 98057.

THE APPEARANCE OF FAIRNESS DOCTRINE: provides that no ex parte (private one-on-one) communications may occur concerning the land use decision. The Doctrine applies not only to the initial decision, but to Appeals to the Hearing Examiner as well. All communications after the decision/approval date must be made in writing through the Hearing Examiner. All communications

are public record and this permits all interested parties to know the contents of the communication and would allow them to openly rebut the evidence in writing. Any violation of this doctrine could result in the invalidation of the appeal by the Court.

EXPIRATION: The variance(s) approval will expire two (2) years from the date of decision. A variance one (1) year extension may be requested pursuant to RMC 4-9-250B.17.

D6 - 03 T23N R5E E 1/2

E6 - 10 T23N R5E W 1/2

E7 - 11 T23N R5E W 1/2

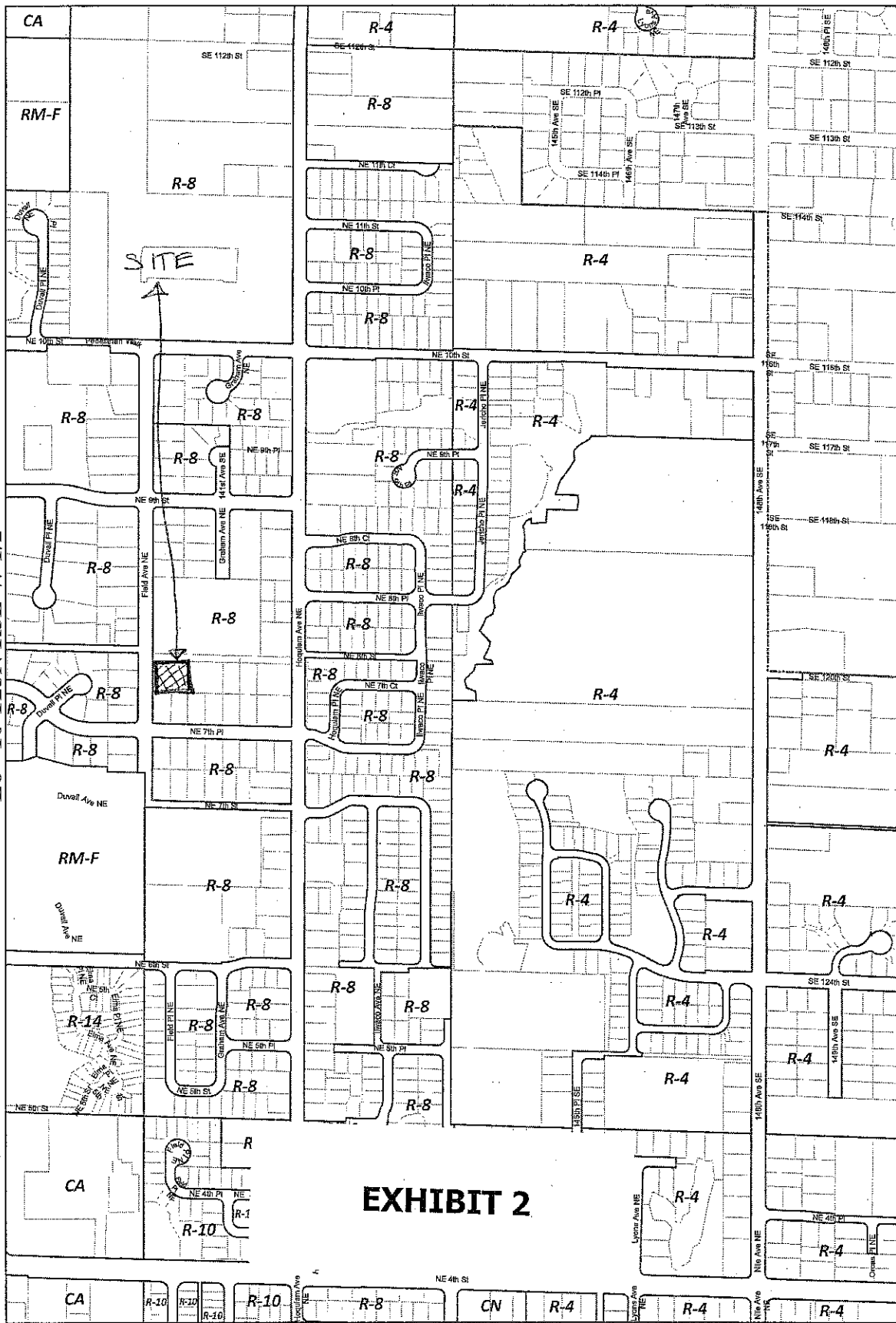
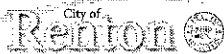


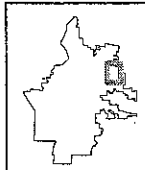
EXHIBIT 2

ZONING MAP BOOK
PW TECHNICAL SERVICES
PRINTED ON 11/13/09

This document is a graphic representation, not
guaranteed to survey accuracy, and is based on
the best information available as of the date shown.
This map is intended for City display purposes only.



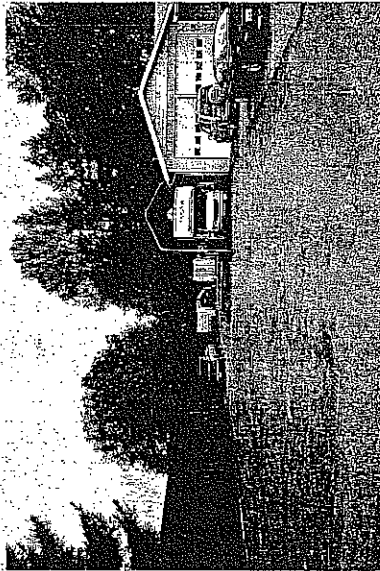
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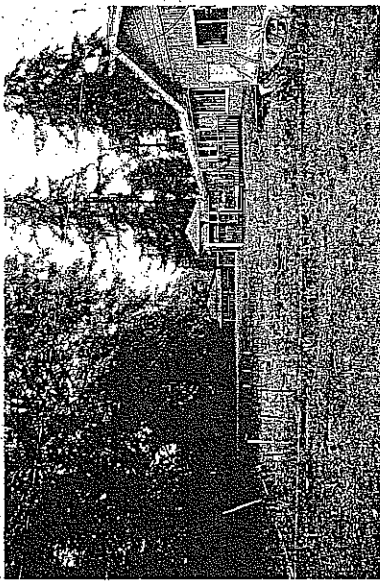
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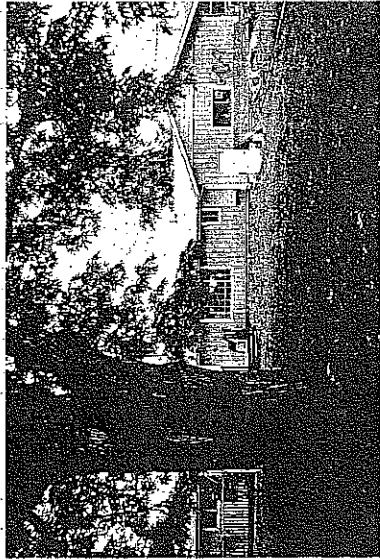
10 T23N R5E E 1/2



VIEW #1 - Looking East at easement from Field Ave NE



VIEW #2 - Looking South at garage location from easement.



VIEW #3 - Looking West at proposed garage location.

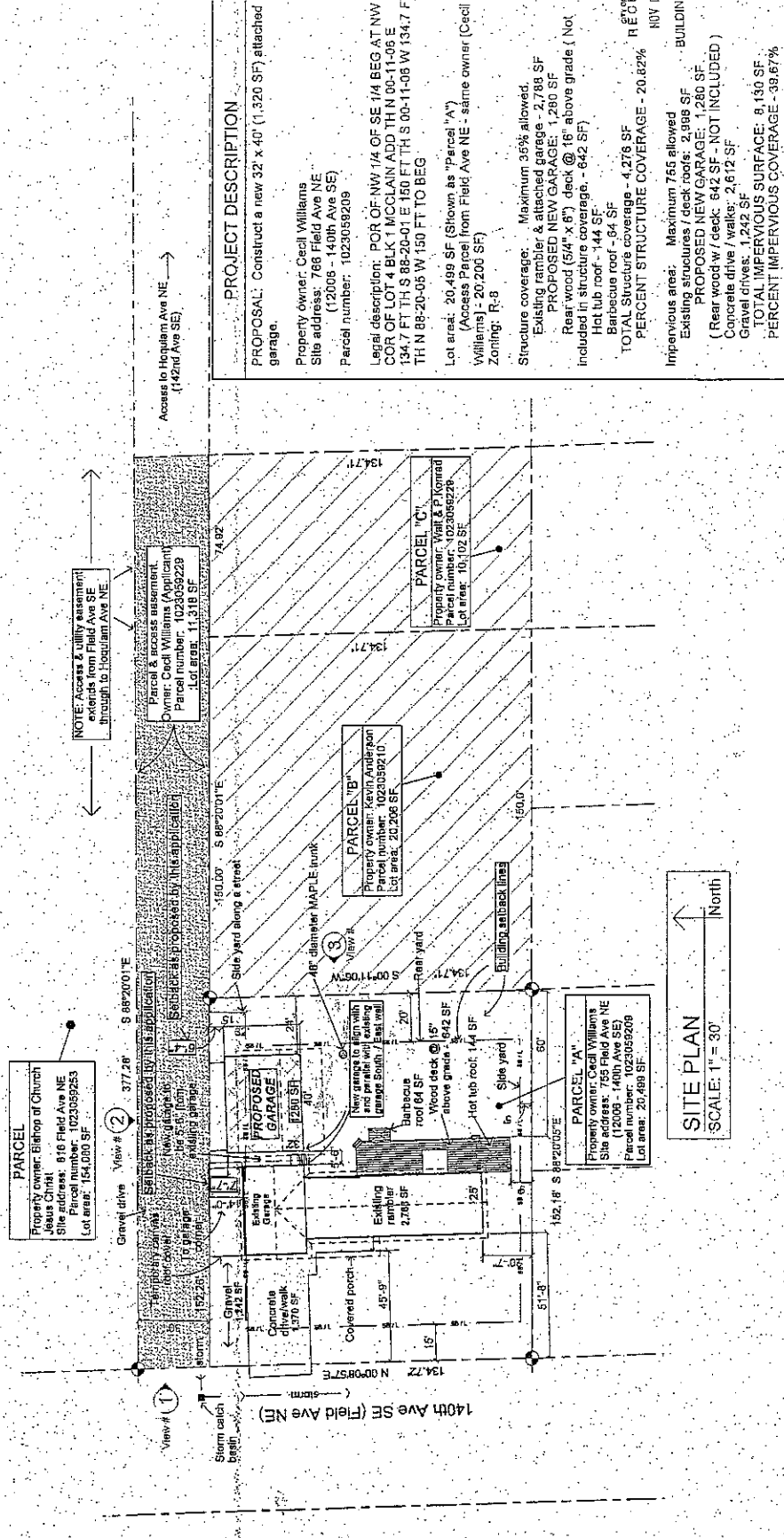
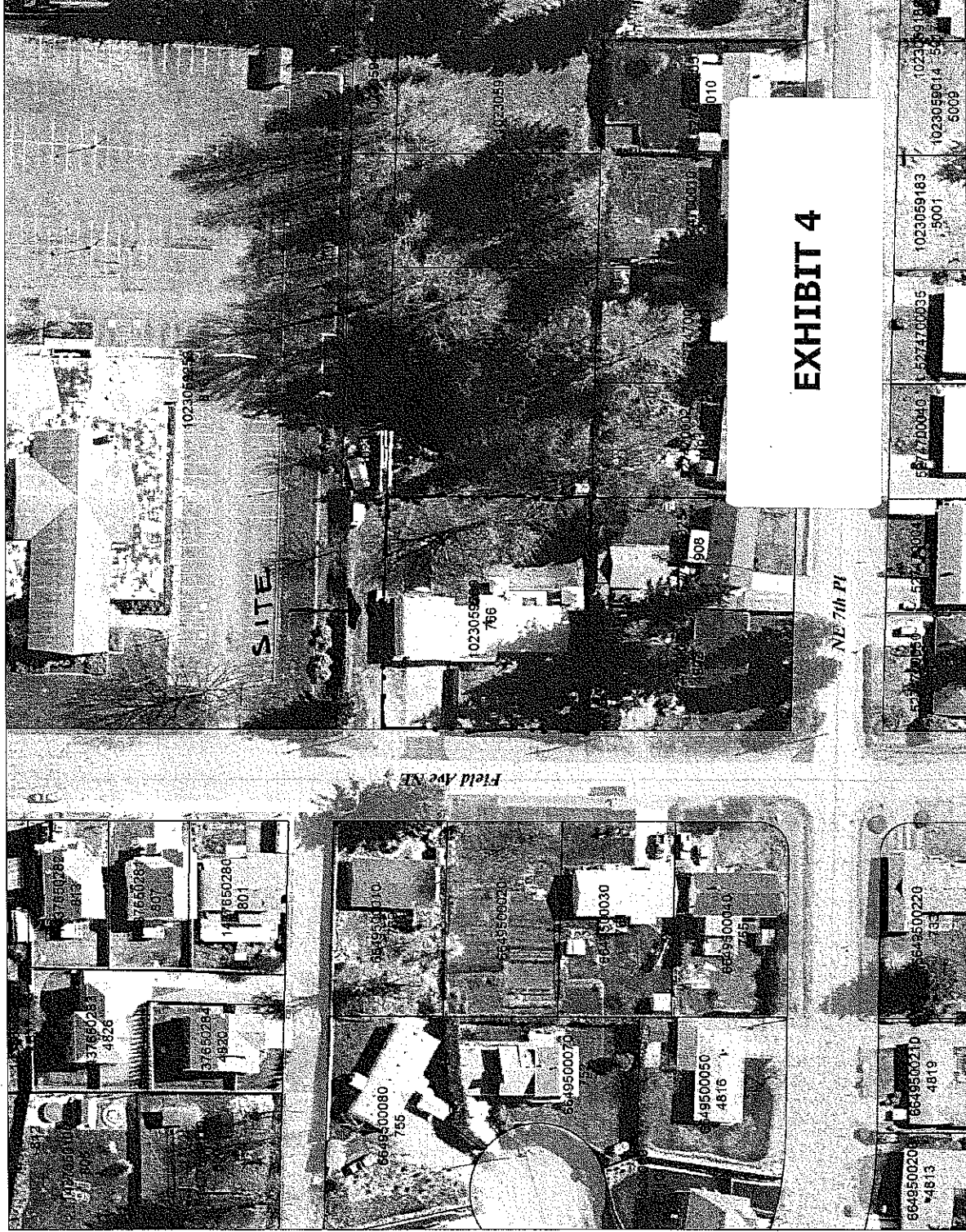


EXHIBIT 3

Williams Side Yard Variance (LUA10-072)

RENTON
WA 98056



192.5 0 96.30 192.6 Feet

City of Renton, Washington

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

☐ Lakes and Rivers

☐ Parcels

Street Names

Rights of Way

Streets

Roads

Jurisdictions

Bellevue

Des Moines

Issaquah

Kent

King County

Mercer Island

Newcastle

RENTON

SeaTac

Seattle

Tukwila

Aerial (March 2010)

Red: Band_1

Green: Band_2

Blue: Band_3

1:1,156

@ 8.5" x 11"



Notes

Enter Map Description